

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

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CODY BORUFF,

Plaintiff,

vs.

HOLIDAY NORTH, LLC and ADAM  
McNEIL,

Defendants.

Cause No. 1:20-cv-893

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***COMPLAINT***

Comes now the Plaintiff, Cody Boruff (hereinafter “Boruff”), by his counsel, and for his claim against the Defendants, Holiday North, LLC (hereinafter “Holiday”) and Adam McNeil (hereinafter “McNeil”), alleges and says:

***A. Fair Labor Standards Action.***

1. Boruff brings this action against Holiday and McNeil pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 USC §216(b), for overtime pay violations.
2. Boruff is a resident of the State of Indiana, and is domiciled in Galveston, Howard County, Indiana.
3. Holiday is an Indiana limited liability company having its principal place of business in Howard County, Indiana. McNeil is the owner of Holiday, and the Chief Operating Officer of that Defendant limited liability company, and thus individually liable for FLSA violations.

4. Boruff was employed by Holiday from January of 2019 until on, or about February 10, 2020, at which time he was terminated.

5. During the period of Boruff's employment with it, Holiday has failed and refused to pay Boruff overtime compensation for all hours which Boruff worked in excess of forty hours per week.

6. Holiday has intentionally and knowingly violated Boruff's right to earned wages through illegal practices regarding overtime compensation, including, but not limited to, improperly classifying Boruff as an independent contractor.

7. In Boruff's case, Holiday has failed and refused to make a payment of accrued wages, at the overtime rate required by federal and state law.

8. Boruff brings this action as a result of his not being paid overtime compensation required by law.

9. This Court has jurisdiction over Boruff's claims as his FLSA claims raise a question of federal law, 29 USC §201, et seq.

10. This Court is the appropriate venue for this cause of action as Boruff resides in Howard County, Indiana, and worked for Holiday in Howard County, Indiana.

11. Holiday is an "enterprise," as that term is defined by the FLSA, covered by the overtime and minimum wage provisions of the FLSA.

12. Holiday violated the FLSA's minimum wage provisions when it did not compensate Boruff for all hours worked over 40 in a work week, an overtime rate.

13. Boruff seeks all available damages, including unpaid wages, unpaid overtime compensation, liquidated damages, payment of reasonable attorney's fees, costs and

expenses, and any and all other damages to which he may be entitled for Holiday's violations of the Fair Labor Standards Act.

***B. Claim Under Indiana Wage Claim Act.***

14. Boruff incorporates herein by reference paragraphs 2 through 13 above.

15. Because Boruff was terminated from his employment with Holiday, Boruff's wage claims are governed by the Indiana Wage Claim Act, I.C. 22-2-9- et seq.

16. Boruff has statutory wage claims arising under the Indiana Wage Claim Act, I.C. 22-2-5-2.

17. Boruff's undersigned counsel has received a written assignment from the Indiana Department of Labor, authorizing his private prosecution the claim presented under the Indiana Wage Claim Act.

18. By way of this Claim, Boruff is seeking all available damages, including all unpaid wages, all underpaid wages, all available liquidated (treble damages), all attorney's fees, costs and expenses, plus any other damage to which Boruff may be entitled pursuant to law. Pursuant to I.C. 22-2-5-2, Boruff is seeking payment of unpaid wages, underpaid wages, plus all available damages, including, but not limited to, statutory damages due, plus all attorney's fees, costs and expenses.

WHEREFORE, Plaintiff, Cody Boruff, requests that the Court enter judgment in his favor and against Defendants, Holiday North LLC and Adam McNeil, and to issue all available relief to him, including, but not limited to, the following:

1. All damages available under the Fair Labor Standards Act, including all unpaid minimum wages, all unpaid overtime wages, all liquidated damages and all penalties;

2. All damages available under the Indiana Wage statutes, including all unpaid or late paid wages, all liquidated damages and all penalties;
3. All reasonable attorney's fees and expenses;
4. Costs;
5. Pre-judgment interest, if applicable; and
6. Any and all other relief just and proper in the premises.

THE LAW OFFICE OF ROBERT J. HUNT, LLC

By: /s/Robert F. Hunt  
Robert F. Hunt, Attorney No. 7889-84

By: /s/Robert J. Hunt  
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